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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Nepal: need for local elections, exposed by the earthquake

1. The Asian Legal Resource Centre (ALRC) joins the world in grieving the loss of human lives, property, and cultural history in Nepal during and after the massive earthquake that struck at 11:50 a.m. on 25 April 2015. The 7.9 magnitude earthquake with an epicenter 80 km east of Pokhara has devastated the country, resulting in at least 8,604 human casualties, injuries to at least 17,838, displacement of millions, and widespread damage across the Himalayan nation. The response in the face of the crisis has, however, been slow and inadequate, and, despite the solidarity shown by the international community, the requisite relief still has not reached those that need it most.

2. The ALRC would like to bring to the attention of the UN Human Rights Council one of the open secrets behind the Nepal government failing to respond to the needs of the citizens in this time of crisis. All the political groups vying for power in the prolonged constitutional stalemate in Kathmandu have a hand in centralizing power and dismantling local government across Nepal. Local elections have not been held in the Himalayan nation in decades. This has centralised authority and increased inequality in Nepal. And, it has created a vacuum, exposed most devastatingly by the earthquake.

3. The missing framework of local government has worsened the situation in rural settlements devastated by the earthquake. Food, water, and medical resources are scarce. The next few months will be a struggle: infrastructure for food, water, and shelter stand compromised as the rainy season begins.

4. With monsoon fast approaching, the risk of contaminated water beginning to circulate is real; the result will be diseases like cholera and dysentery. Still fearing aftershocks people have taken refuge in open areas; the following months are going to be the most strenuous for authorities in Nepal. And, without local government to assist with the process, it will be difficult for the centralized bureaucracy to respond to local needs.

5. The truth of the countryside, even today, a month after the quake, remains largely unknown. It appears that in several districts where millions live, most villages have been destroyed. Heavy destruction has been reported from Dolakha, Sindhupalchok, and Ramechhap, and more than 30 districts are affected. Thousands of houses are damaged in the districts, requiring more tents and food supplies for the people.

6. The central government is clearly struggling to reach into villages in rural areas to provide assistance. Lack of localized resources and manpower has been slowing the process. If robust local and regional governance systems had existed when the earthquake hit, the recovery of the nation would have been easier. Then relief efforts would not have suffered from the unplanned approach on display today.

7. The breakdown of sanitation services across Nepal is critical; the situation is direr for those in remote areas. Bodies still buried under the rubble are another source of disease for survivors. The bodies still buried under the rubble increase the likelihood of illnesses spreading. If bodies are not cleared soon, Nepal is going to face a grave health crisis and this will be more dangerous than the earthquake that hit the country. It is imperative that dead and decaying bodies lying in villages and the corridors of homes in villages are taken care of at the earliest.

8. Centralized misgovernance in the past two decades has marked development and resource allocation at the local level with inconsistency and unaccountability. And, today, the lack of elected village authorities means there is little co-ordination on the ground for distribution of relief materials. The absence of elected local representatives, for instance, has hampered the crucial task of identifying earthquake victims. This has complicated distribution to the point that no assistance is arriving where it is needed most.

9. There have been bureaucratic hurdles at the central level. The government has not yet been able to formulate working procedures for distribution and for identifying recipients. Second, there have been problems at the local level. The district administrations have not been able to collect adequate information regarding the houses that have been destroyed or damaged. This is essential to identify needy families. One of the reasons why data collection has been difficult is because of the absence of elected local authorities. Many Village Development Committees even lack secretaries to do the required work.

10. It is a reality that most villagers in need have not received relief. The State, which did not reach out much to its villages in the past, cannot be expected to create instant mechanisms and pave the way to reach the villages overnight and that too without a responsive local government. Had the State laid the foundations in the form of infrastructure and roads, in the emergency mechanisms, and elected local governments, a proactive approach could have been taken to provide assistance and better manage assistance and relief distribution.

11. There is an urgent need to reach out to people not connected to highways and roads. Such people should not be discriminated against. The highway-centric relief activities need to be restructured and redirected to remote regions. This, of course, is not to imply that people living close to highways should not benefit from relief activities. However, Nepal needs a broad-based approach to relief work, in order to reach out to the most needy and vulnerable. Children, sick, elderly, women, and vulnerable groups like Dalit and Madhesi should get priority.

12. At a time of unprecedented human tragedy, there is a need for politicians to arise and regain their lost credibility through true and honest service to the nation. If there is adequate political will, it can be done without delay, even within a day. The aim of the government should be to reach out to rural areas with supplies as soon as possible.

13. The ALRC requests the Council to remind the government of Nepal that it bears the primary responsibility for the organisation of search and rescue and for relief and reconstruction. The government of Nepal should conduct local elections and elect local representatives in order to decentralize the relief and reconstruction efforts in Nepal. The international community should stand hand in hand with the Nepali government to assist Nepal to come out of this disaster. Nepal and Nepalese people need support during this hour of crisis.